IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.24 OF 2003

The State of Maharashtra .. Appellant.
Vs.
Bhujang Nanabhau Bhakare .. Respondent.

Mrs.M.H.Mhatre A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 17TH JULY, 2006

P.C.:

. Heard learned A.P.P. for the State.

2. This appeal, by the State, is directed against the judgment and order dated 31.8.2002 by which the respondent-accused alongwith co-accused - Kailash Bhakare came to be convicted of the offence punishable under section 363 read with 34 of I.P.C. and so far as the respondent-accused is concerned, he has also been convcited for the offence under section 376 of I.P.C. and sentenced to suffer R.I. for five years and fine of Rs.500/-. Insofar as sentence under section 363 of I.P.C. is concerned, the respondent-accused and co-accused were directed to suffer R.I. for three years. I am informed that pending trial the accused was not on bail. Till today he seems to have sufferred almost four years of

sentence. I perused the judgment. Considering the reasons recorded by the courts below on appreciation of the evidence on record the impugned judgment cannot be said to be unreasonable and perverse. Considering the overall facts and circumstances of the case and that the respondent-accused has undergone almost four years of sentence this is not a fit case to grant leave to file appeal under section 378 of the Code of Criminal Procedure for enhancement of the sentence. The prayer seeking leave to appeal is rejected and consequently the appeal is also dismissed.

(D.B.Bhosale, J.)